



Sen. James F. Clayborne Jr.

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09500HB0277sam002

LRB095 04509 CMK 36099 a

1 AMENDMENT TO HOUSE BILL 277

2 AMENDMENT NO. _____. Amend House Bill 277 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 adding Section 57.8a as follows:

6 (415 ILCS 5/57.8a new)

7 Sec. 57.8a. Assignment of payments from the Underground
8 Storage Tank Fund.

9 (a) If the Agency has formed a priority list for payment
10 under Section 57.8(a)(3) of this Act, an owner or operator on
11 the priority list may assign to any bank, financial
12 institution, lender, or other person that provides factoring or
13 financing to an owner or operator or to a consultant of an
14 owner or operator a full approved payment amount on the
15 priority list for which the owner or operator is awaiting
16 payment. The assignment must be made on an approved

1 payment-by-approved payment basis and must be made on forms
2 prescribed by the Agency. No assignment under this Section
3 prevents or affects the right of the State Comptroller to make
4 the deductions and off-sets provided in Section 10.05 of the
5 State Comptroller Act.

6 (b) The making of an assignment under this Section shall
7 not affect an owner's or operator's right to appeal an Agency
8 decision as provided in this Title. No assignee shall have a
9 right to appeal an Agency decision as provided in this Title.

10 (c) An owner's or operator's assignment under this Section
11 is irrevocable and may be made to only one assignee. The State
12 shall pay the assigned amount, subject to right of the State
13 Comptroller to make the deductions and off-sets provided in
14 Section 10.05 of the State Comptroller Act, to this one
15 assignee only and shall not pay the assigned amount to any
16 subsequent assignee of the one assignee.

17 (d) The State and its officers and employees are discharged
18 of all liability upon payment of the assigned amount to the
19 assignee. The assignor and assignee shall hold harmless and
20 indemnify the State and its officers and employees from all
21 claims, actions, suits, complaints, and liabilities related to
22 the assignment.

23 (e) An assignee may use funds received for any purpose
24 including, without limitation, paying principal, interest, or
25 other costs due on any financing made by the assignee. To the
26 extent an owner or operator incurs costs associated with making

1 an assignment under this Section, the owner or operator may not
2 seek reimbursement of those costs from the Fund.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".